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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,992	02/05/2004	James S. Miller	13768.493	5389

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EXAMINER
WANG, BEN C

ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/772,992	MILLER ET AL.
	Examiner	**Art Unit**	
	Ben C. Wang	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/05/2006, 05/06/2005, 04/22/2004.

DETAILED ACTION

1.   Claims 1-27 are pending in this application and presented for examination.

Specification Objections

2.   The specification is objected to because the following informalities:

- "the determine module 100 may identify such <u>a n</u>" should be corrected as "the determine module 100 may identify such <u>an</u>", [0051], line 6

- "within an existing target component 220, <u>225</u>, and so forth" should be corrected as "within an existing target component 220, <u>235</u>, and so forth", [0056], Line 9

- "as well as whether the target component 220, <u>225</u>, and is" should be corrected as "as well as whether the target component 220, <u>235</u>, and is", [0056], Line 11

Appropriate correction is required.

Claim Rejections – 35 USC § 102(e)

3.   The following is quotation of 35 U.S.C. 102(e) which form the basis for all

obviousness rejections set forth in this office action:

> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for patent or
> (2) a patent granted on an application for patent by another filed in the United States before
> the invention by the applicant for patent, except that an international application filed under
> the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
> application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by

Madsen et al. (hereafter 'Madsen') (Pub. No. US 2005/0004942 A1).

5.   **As to claim 1**, Madsen discloses in a computerized system that includes

one or more program components (Fig. 1, elements 16-Policy Driven

Configuration, 20-Component Instance, 26-Components, 28-Component DB, 58-

Component Instance) including one or more requesting components that can

request to access one or more target components (Fig. 2; [0060], Lines 1-4, 12-

15), a method of providing a requesting component with access to an appropriate

version of a target component, comprising the acts of: receiving a request to

access a specified version of a target component, the request being received

from a requesting component (Fig. 1, elements 12-Network Device Data

Structure, 14-Device DB, 16–Policy Driven Configuration; [0053], Lines 1-6;

[0054]; [0055]); identifying a versioning policy of the specified version of the

target component (Fig. 1, elements 34-Policy, 35-Policy Linkage; [0059], Lines 1-

6); identifying an appropriate version of the target component based on the

versioning policy of the specified target component (Fig. 1, element 34; Fig. 3;

[0028]; [0061], Lines 3-10); providing the requesting component with access to

the appropriate version of the target component (Fig. 21; [0047]; [0243], Lines 1-

10).

6.   **As to claim 20**, Madsen discloses in a computerized system that includes

one or more program components (Fig. 1, elements 16-Policy Driven

Configuration, 20-Component Instance, 26-Components, 28-Component DB, 58-

Component Instance) including one or more requesting components that can

request to access one or more target components (Fig. 2; [0060], Lines 1-4, 12-

15), a method of providing a requesting component with access to an appropriate

version of a target component, comprising: an act of receiving a request to

access a specified version of a target component, the request being received

from a requesting component (Fig. 1, elements 12-Network Device Data

Structure, 14-Device DB, 16–Policy Driven Configuration; [0053], Lines 1-6;

[0054]; [0055]); a step for allowing access to an appropriate version of the

requested target component such that the requesting component accesses the

appropriate target component as it has been configured to do so (Fig. 7; [0092];

[0093]; Lines 7-10), and such that the requesting component does not fail when

requesting access to a component that has been upgraded (Fig. 18; [0210];

[0211]; [0212]; [0214], Lines 5-8).

7.   **As to claim 22**, Madsen discloses in a computerized system that includes

one or more program components (Fig. 1, elements 16-Policy Driven

Configuration, 20-Component Instance, 26-Components, 28-Component DB, 58-

Component Instance) including one or more requesting components that can

request to access one or more target components (Fig. 2; [0060], Lines 1-4, 12-

15), a method of upgrading a target component such that a requesting

component that accesses the target component continues to operate effectively

after the target component has been upgraded, comprising the acts of: identifying

that a requesting component is configured to access a target component (Fig. 21,

element 37; [0047]; [0243], Lines 1-10); identifying a versioning policy in at least

an existing version of the target component and a previously installed version of

the target component (Fig. 3, element 40; [0028]; [0061]; [0065], Lines 1-2); and

identifying which versions of the target component should remain on the system

based on any identified versioning policy corresponding to at least the existing

version of the target component and the previously installed version of the target

component (Fig. 18; [0044]; [0195], Lines 6-10; [0210]; [0211]; [0212]; [0214],

Lines 5-8).

8.   **As to claim 26**, Madsen discloses in a computerized system including

one or more requesting components (Fig. 1, elements 16-Policy Driven

Configuration, 20-Component Instance, 26-Components, 28-Component DB, 58-

Component Instance) that are configured to access one or more source

components, a computer program product having computer-executable

instructions stored thereon that, when executed, cause the computerized system

to perform a method of providing a requesting component with access to an

appropriate version of a target component, comprising the acts of:

receiving a request to access a specified version of a target component, the

request being received from a requesting component (Fig. 1, elements 16-Policy

Driven Configuration, 20-Component Instance, 58-Component Instance, 26-

Component, 28-Component DB); identifying a versioning policy of the specified

version of the target component (Fig. 1, elements 34-Policy, 35-Policy Linkage;

Fig. 3; Fig. 7; [0032]; [0092]); identifying an appropriate version of the target

component based on the versioning policy of the specified target component

([0088], Lines 1-3; [0090]; [0091], Lines 7-10[0093]; [0094]; [0096], Lines 1-3);

providing the requesting component with access to the appropriate version of the

target component (Fig. 21; [0047]; [0243], Lines 1-10).

9.   **As to claim 27**, Madsen discloses in a computerized system including

one or more requesting components (Fig. 1, elements 16-Policy Driven

Configuration, 20-Component Instance, 26-Components, 28-Component DB, 58-

Component Instance) that are configured to access one or more source

components, a computer program product having computer-executable

instructions stored thereon that, when executed, cause the computerized system

to perform a method of upgrading a target component such that a requesting

component that accesses the target component continues to operate effectively

after the target component has been upgraded, comprising the acts of: identifying

that a requesting component is configured to access a target component (Fig. 21,

element 37; [0047]; [0243], Lines 1-10); identifying a versioning policy in at least

an existing version of the target component and a previously installed version of

the target component (Fig. 3, element 40; [0028]; [0061]; [0065], Lines 1-2); and

identifying which versions of the target component should remain on the system

based on any identified versioning policy corresponding to at least the existing

version of the target component and the previously installed version of the target

component (Fig. 18; [0044]; [0195], Lines 6-10; [0210]; [0211]; [0212]; [0214],

Lines 5-8).

10.   **As to claim 2**, Madsen discloses the method wherein the requested

version of the target component is one of a library component ([0096], Lines 1-3;

[0214], Lines 6-8 – the specifically requested version) and a platform component

([0212]; [0214], Lines 5-6 – the latest upgraded version).

11.   **As to claim 3**, Madsen discloses the method wherein identifying an

appropriate version of the target component comprises identifying a more recent

version of the target component in response to a request for an earlier version of

the target even though the more recent version and the earlier version are both

accessible to the computerized system ([0096], Lines 1-3; [0214], Lines 6-8 – the

specifically requested version).

12.   **As to claim 4**, Madsen discloses the method identifying a more recent

version of the target component in response to a request for an earlier version of

the target even though the more recent version and the earlier version are both

accessible to the computerized system comprises identifying a more recent

version of a platform component even though an earlier version of the platform

component remained on the system when the more recent version was received

at the computerized system ([0212]; [0214], Lines 5-6 – the latest upgraded

version).

13.   **As to claim 5**, Madsen discloses the method wherein the versioning

policy of the specified version of the target component is identified when the

target component is one or more of compiled, configured, installed, and run on

the computerized system (Fig. 3; [0061], Fig. 21; [0242]; [0243], Lines 1-10;

[0244], Lines 1-3).

14.   **As to claim 6**, Madsen discloses the method wherein version information

that identifies the specified target component is stored in the requesting

component when the requesting component is one or more of compiled,

configured, installed, and run on the computerized system (Fig. 21; [0242];

[0243], Lines 1-10; [0244], Lines 1-3).

15.   **As to claim 7**, Madsen discloses the method further comprising:

identifying one or more requesting components that are able to access a prior

version of the target component ([0096], Lines 1-3; [0214], Lines 6-8 – the

specifically requested version); identifying that none of the one or more

requesting components are configured to access the prior version of the target

component ([0212]; [0214], Lines 5-6 – the latest upgraded version); and deleting

the prior version of the target component (Fig. 7; [0032]; [0092]).

16.   **As to claim 8**, Madsen discloses the method wherein the appropriate

version of the target component is the version of the target component that was

requested ([0096], Lines 1-3; [0214], Lines 6-8 – the specifically requested

version).

17.   **As to claim 9**, Madsen discloses the method wherein the appropriate

version of the target component is different from the version of the target

component that was requested ([0212]; [0214], Lines 5-6 – the latest upgraded

version).

18.   **As to claim 10**, Madsen discloses the method wherein target component

access is provided to the requesting component through a determining module

(Fig. 1, element 16-Policy Driven Configuration; [0053], Lines 1-6; [0054]; [0055];

[0065], Lines 1-2).

19.   **As to claim 11**, Madsen discloses the method wherein the availability of

one or more of the prior version of the target component and the more recent

version of the target component is identified by a determining module when the

one or more of the prior version of the target component and the more recent

version of the target component is received by the computerized system (Fig. 1,

element 16-Policy Driven Configuration; [0053]; [0054]; [0055]; [0065], Lines 1-2).

20.   **As to claim 12**, Madsen discloses the method wherein the versioning

policy is inserted into computer-executable instructions in the target component

prior to one of installing, configuring, and executing the target component on the

computerized system (Fig. 3; [0028]; [0061], Lines 3-10; [0063]).

21.   **As to claim 13**, Madsen discloses the method wherein the versioning

policy is further identified in any version of the target component (Fig. 3; [0028];

[0061]; [0063]).

22.   **As to claim 14**, Madsen discloses the method wherein the versioning

policy identifies that any of the prior version of the target component and the

more recent version of the target component is configured to be accessed by a

specific version of the requesting component ([0096], Lines 1-3; [0214], Lines 6-8

– the specifically requested version).

23.   **As to claim 15**, Madsen discloses the method further comprising

identifying a component scope that is associated with the target component (Fig.

21, element – 37; [0243]; [0244], Lines 1-3).

24.   **As to claim 16**, Madsen discloses the method wherein access to the

specified version of the target component is further based on one of the identified

component scope associated with the target component, and a target component

scope supplied by a system administrator (Fig. 21, element – 37; [0243]; [0244],

Lines 1-3).

25.   **As to claim 17**, Madsen discloses the method wherein the identified

component scope specifies that access to the specified version of the target

component is provided in one or more of a machine level, a process level, and a

sub-process level (Fig. 21, element – 37; [0243]; [0244], Lines 1-3).

26.   **As to claim 18**, Madsen discloses the method wherein the requested

target component is a library component, the method further comprising

identifying a servicing value associated with the requested target component

([0126] – for example to create an new attribute → ATTRIBUTE(integer,

"servicing"); TABLE 5, ATTRIBUTE(integer, "Distance Metric") - as a reference;

[0159], Lines 9-13; Fig. 17; Fig. 18; [0043]; [0044]).

27.   **As to claim 19**, Madsen discloses the method wherein identifying an

appropriate version of the target component comprising identifying an updated

version of a library component based on the identified versioning policy and the

identified servicing value ([0126] – for example to create an new attribute →

ATTRIBUTE(integer, "servicing"); TABLE 5, ATTRIBUTE(integer, "Distance

Metric") - as a reference; [0159], Lines 9-13; Fig. 17; Fig. 18; [0043]; [0044]).

28.   **As to claim 21**, Madsen discloses the method wherein the step for

allowing access to an appropriate version of the requested target component

comprises the corresponding acts of: identifying a versioning policy of the

specified version of the target component (Fig. 1, elements 34-Policy, 35-Policy

Linkage; [0059], Lines 1-6); receiving a request to access a specified version of a

target component, the request begin received from a requesting component (Fig.

1, elements 12-Network Device Data Structure, 14-Device DB, 16–Policy Driven

Configuration; [0053], Lines 1-6; [0054]; [0055]); providing the requesting

component with access to the appropriate version of the target component (Fig.

21; [0047]; [0243], Lines 1-10).

29.   **As to claim 23**, Madsen discloses the method further comprising

receiving an updated version of the target component over a network from a

network service provider ([0016], Lines 1-4).

30.   **As to claim 24**, Madsen discloses the method wherein if the versioning

policy indicates that the requesting component is a library component, adding the

existing version of the target component to the system without removing the

previously installed version of the target component ([0214], Lines 6-8).

31.   **As to claim 25**, Madsen discloses the method wherein if the versioning

policy indicates that the requesting component is a platform component,

overwriting the previously installed version of the target component with the

existing version of the target component ([0210]; [0212]; [0214], Lines 5-6).

Conclusion

32.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- K. M. Low, *Customizable Element Management System and Method*
  Using Element Modeling and Protocol Adapters (Pub. No. US
  2003/0101251 A1).

33.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Ben C. Wang whose telephone number is

571-270-1240. The examiner can normally be reached on Monday - Friday, 8:00

a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

TUAN DAM
SUPERVISORY PATENT EXAMINER

BCW

January 13, 2007